

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

ANTHONY S. LAPINSKY, M.D.,
Plaintiff

v.

COPLEY HOSPITAL,
MARK D. LICHTENSTEIN, M.D.,
S. GLEN NEALE, M.D.,
Defendants

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File No. 1:05-cv-34

ORDER

The Magistrate Judge's Report and Recommendation was filed September 4, 2007. (Paper 125). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Defendant Neale's motion for summary judgment (Paper 104) is GRANTED.

The referral of this case to Magistrate Judge Niedermeier is hereby terminated. An ENE session shall be conducted with Anthony B. Lamb, Esq. prior to January 1, 2008. The parties shall inform the Court, in writing, on or before November 9, 2007, of the date the session will be conducted and if any discovery remains to be completed. This case shall be ready for trial by February 1, 2008. No continuances will be granted.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of October, 2007.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge